

INDO-PAK

Talks cannot be postponed indefinitely

There is still time for India to talk to Pakistan on its own terms, writes Zafar Agha

INDIA AND PAKISTAN are back to talking to each other through the media - something the two countries love to do in times of tension. Indian Prime Minister Atal Behari Vajpayee has rejected any open dialogue with Pakistan on the contentious issue of Kashmir. "They must first hand over Pakistan occupied Kashmir (PoK)," Vajpayee told media persons the other day. Pakistan, acting as the dove, reacted in a much more detailed fashion, coming up with a four-point offer to open dialogue with India. Pakistan Foreign Office spokesperson Aziz Ahmad Khan offered a framework of talks on the following points:

λPakistan is ready to restore on reciprocal basis air, rail and road links severed between the two countries on January 1.

λPhased withdrawal of troops should be followed by a comprehensive dialogue on Kashmir and other issues.

λThe United Nations Military Observers Group on India and Pakistan should be beefed up to credibly monitor the Line of Control (LoC).

λIndia should allow human rights groups and international media to monitor human rights records in Kashmir.

The Indian Foreign Office rejected outright Pakistan's offer. Ministry of External Affairs spokesperson Nirupama Rao, reacting to the Pakistani offer, came out with the following three point conditions for talks with Islamabad:

λPakistan should first completely curb cross border terrorism and totally stop infiltration into the Indian side of Kashmir.

λPakistan should dismantle the Kashmir cell run by its Inter Services Intelligence (ISI).

λIndia's position remains unchanged on the status of Jammu and Kashmir.



Pakistan is playing the diplomatic game to corner India and force it to go for withdrawal of troops. Aziz Ahmad Khan was not really addressing Delhi while offering to open dialogue with India. He was essentially speaking to those who matter in Washington and London, trying to impress upon the key players in the two capitals that Pakistan is a peace-loving country that wants to resolve problems with India.

The Pakistani move was well timed and is likely to make a good impact within the Bush and Blair administrations - the two governments that have virtually emerged as umpires between India and Pakistan since the December 13 stand-off between

the two countries. Pakistan has offered a comprehensive dialogue, including the Kashmir issue. Keeping in mind America's concern about troop deployment on the borders of the two south Asian nuclear powers, Islamabad has also offered escalation on the borders. Perhaps acting on American bidding, Pakistan's strategy is to involve the United Nations (UN) and others into the Kashmir issue.

One must admit that Pakistan President Pervez Musharraf is playing his cards very carefully in the second round of diplomatic offensive that India launched in the aftermath of December 13 attack on Parliament. India's aggressive diplomacy, mixed with troop deploy-

ment along the borders, worked well forcing Pakistan to distance itself from the official patronage given to terrorism by Islamabad. But as the two nuclear powers got close to a war-like situation, global players like Washington jumped into the fray as peacemakers. That brought US Secretary of State Colin Powell to Islamabad and Delhi.

It was a strategic mistake on the part of Indian policy planners to involve the US into the Indo-Pak tangle. Home Minister L K Advani rushed to Washington pleading the case against Pakistani terrorism. He was followed by Defence Minister George Fernandes, who presented India's case to Washington. American strategists have all long been

working to get a foot-hold in the Kashmir issue. India's policy planners have enabled them to do exactly that.

American troops are stationed right across Central Asia down to Pakistan. The US' policy is oriented to somehow disengage India and Pakistan from the state of tension to slowly push them towards denuclearisation. It also wants to act as some sort of a peacemaker in the Kashmir problem.

So Washington welcomed India's moves to refer its dispute on terrorism to the Bush Administration. US policy planners now seem to be coordinating with Islamabad in the next round of diplomatic moves to keep a door open for Washington's involvement in the Kashmir problem. Islamabad has not suggested posting UN observers along the LoC just for nothing. Pakistan's Kashmir policy has all along enjoyed American support in a subtle way. Musharraf is now going back to Pakistan's pre-1989 policy - seek UN involvement in the Kashmir problem.

India's troops will not be amassed on the borders forever. After the February round of Assembly elections, international pressure will mount on India to disengage. There is a clear possibility of Indian and Pakistan opening dialogue sometime in March.

Are we ready for the next round? If not, we better get ready for dialogue now with Pakistan on our terms. After all, Indo-Pak dialogue cannot be postponed indefinitely and they are likely to open sometimes in March or April. India, by then, should be prepared to keep international involvement in Kashmir away.

Courtesy: www.tehalka.com

SAARC

The forgotten triangle

One man's ethnic cleansing is another's preservation of nationhood

PUSKAR BHUSAL

AFTER the SAARC summit's studied silence on the issue of Bhutanese refugees in Nepal, it's perhaps time for louder thinking on other ways of resolving it. The disappointment that has descended on the Bhutanese refugee community after the Kathmandu Declaration was released is understandable, especially since most SAARC member states are coping with their own clusters of displaced people.

Sceptics, however, always saw little chance of the South Asian summiters taking up the matter because the SAARC charter explicitly forbids discussion on contentious bilateral issues. Lost somewhere in between the extremes was the reality that the Bhutanese refugees in eastern Nepal is a matter of trilateral concern.

Since Nepal and Bhutan don't share a border, these hapless men, women and children had to trudge through Indian territory to their asylum in Jhapa and Morang. Moreover, it's important not to forget that a third of the 150,000 ethnic Nepalis driven out of Bhutan are still on Indian soil.

While lamenting the lack of progress on a settlement over the decade, let us not lose sight of the scale of the challenge Kathmandu and Thimpu have to surmount. Nepal says that almost all the 100,000 refugees living in camps in eastern Nepal have valid papers proving they are Bhutanese nationals. Bhutan says it's willing to take back only genuine refugees who, it insists, number no more than a few thousand. Then there's the catch. Thimpu says many ethnic Nepalis had left the country voluntarily and some had committed economic offences, which under Bhutanese law, disqualifies them from citizenship.

After nearly a dozen rounds of ministerial talks, Kathmandu and Thimpu have worked out a way of identifying and categorising the refugees. Since the complicated mechanism was spurred more by international cajoling than regional compulsions, it would perhaps be unwise to expect early repatriation.

Internationalising the issue contains its own risks. For each human rights group that assails the Kingdom of the Thunder Dragon's restrictive domestic policies, there is an aid agency ready to lavish praise on Thimpu for having provided as a model for sustainable development.

Start talking about how ethnic Nepalis who have lived for generations on the southern plains of Bhutan are treated as second-class citizens in their own country and you'll find influential voices in the west who say they don't want another ancient culture destroyed in a whirlpool of democracy. One man's ethnic cleansing is another's preservation of nationhood.

It would probably be more sensible for Nepal to consider the range of options it could pursue on its own. We could agree, for instance, to grant citizenship to Bhutanese of Nepali origin already in the country on Thimpu's express pledge that it wouldn't drive out more southerners. From a purely ethnocentric perspective, such a course would be more sagacious for Nepalis than trying to revise the provisions of the Citizenship

Amendment Bill, which is in constitutional limbo ever since the Supreme Court struck it down last year.

Such an offer from Kathmandu could also provide a clear demonstration of the kingdom's ability to engage in a home-grown version of economic diplomacy, especially in a world full of 45 million refugees and internally displaced people. International donors, fatigued by turmoil from Afghanistan to Zimbabwe, may see in Nepal's gesture a genuine reason for fast-track consideration.

Once the Bhutanese refugees are assimilated in the mainstream, the money and material aid that would start pouring in would have a multiplier effect on the national economy struggling to widen a severely shredded tax net.

What matters most, however, is the verdict of the refugees who are clinging on to tattered photographs of the houses and land they hope to return to one day. While seeking their views, it should be acknowledged that the issue could become most explosive on the geo-strategic front.

A referendum under UN Security Council auspices may have to be contemplated in the camps. Instead of remaining prisoners of the pastor the present Nepal and Bhutan should think about their common future.

Those who consider this prognosis unduly alarmist should reflect on the following scenario. One day Kuensel carries a cogent commentary on why the Bhutanese government should move towards raising its international profile by, among other things, establishing more embassies abroad, diversifying its sources of weaponry and naming its first SAARC secretary-general.

That piece would probably contain enough firepower to prompt strategic analysts in India to warn their government of how the foreign intelligence agencies were using Bhutanese territory against India.

Under growing pressure from both North and South Blocks and an alarmed media, Indian leaders are forced to cite the 1949 treaty that guarantees Indian non-interference in Bhutan's internal affairs, but allows New Delhi influence over the kingdom's foreign relations.

Thimpu responds by saying that "influence" is just a fig leaf for naked interference. India argues that the accord is in line with the 1910 treaty Bhutan signed with British India, giving the sahibs control over Bhutan's foreign relations. Thimpu insists that piece of history only strengthens its case for abrogating an accord that is out of step with a world in which the tiniest microstate is asserting its right to exercise full sovereignty.

At this point, New Delhi sees the extended community of Bhutanese refugees in Khudnabari, Beldangi and other Nepali camps as useful messengers in advising Thimpu to straighten out its priorities.

All this means we'll have to find a regional solution soon. Perhaps the architects of sub-regional cooperation could work out modalities for engagement within the growth quadrangle framework. For starters, how about setting up a joint working group on the refugee triangle?

By arrangement with Nepali Times.

INDIA

POTO hangs in balance

M ABDUL HAFIZ

CONTRARY TO the expectation of BJP-led government that the shocking event of 13 December 2001 will lead to the endorsement of POTO (Prevention of Terrorism Ordinance) by all members of the parliament irrespective of the party affiliation it found to its dismay that outrage expressed over the carnage by all political parties and groups did not however translate in to their support for the controversial ordinance. What shocked the people concerned more was the occurrence of the attacks on the parliament despite the fact that the POTO was in place.

With the sweeping powers with the government having authority of preventive detention and summary arrests that the ordinance conferred on it the POTO was viewed by the opposition more as a mandate for lawlessness. Now it proved also hollow with the enactment of worst ever terror in broad daylight in the heart of federal capital. POTO could neither foretell nor preempt 13 December.

What 13 December demonstrated most graphically was that the POTO, even if it is enacted as a law, would not help the government fight terrorism it envisaged. Taipal Reddy, the Congress(I) spokesperson aptly said that the attack on the parliament took place despite the POTO and not for the absence of it. In spite of prognosis about a

likely attack on the parliament in the ruling circle the government did little to prevent it.

The Communist party of India (Marxist) and the Communist Party of India also raised questions regarding serious intelligence failure and security lapses that led to the entry of the militants parliament compound.

However some members of the ruling combine continue to justify the need for POTO in spite of its ineffectiveness in the event of 13 December. They, nevertheless, realise the impropriety of the linking the passage of the bill in the parliament to December, 13 event. Apprehending a deadlock between the treasury and opposition bench over the issue of coffin procurement scandal and POTO Parliamentary Affairs Minister Promod Mahajan was already considering the adjournment of the winter session of the Parliament even before 13 December. The scenario however changed later.

In fact, the uncertainties over POTO rose more from within the ruling combine than the opposition. It centred round the difference of perception between Prime Minister Vajpayee and Home Minister L K Advani over the need of inter-party consultation before the promulgation of the ordinance. Both seemed to differ in their approach to achieve a political consensus. Vajpayee also seemed willing to include the safeguards to prevent the misuse of POTO.

According to LK Advani the BJP-led government was not included to consider most of the suggestions made at the all party meeting on POTO on 4 December. Advani tends to throw his weight behind overall pressure within BJP in favour of POTO. Both the Prime minister as well as Advani are however for the passage of the ordinance even of the opposition does not cooperate.

The BJP allies like TDR (Telugu Desam Party), DMK (Dravida Munnetra Kazhagam) the Trinamul Congress and Janata Dal (United) exerted pressures only for the insertion of certain amendments and also, of course, expressed concern against the potential misuse of POTO. They did not however make it clear whether they would back the bill if it did not include safeguards proposed by them. The government claimed that the all party meeting attended by 24 political parties nine parties had opposed the POTO while 14 other supported the passage of the ordinance with some amendments.

Although Mahajan claimed that the Congress(I) opposed the POTO because of the manner of its promulgation, thus suggesting that the party backed its contents, but Sonia Gandhi had given different version of her vies after the meeting. Characterising POTO as being structurally defective she urged the government to start the process of consultation afresh before bringing in legislation to

combat terrorism. Somnath Chatterjee, a senior CMI(M) MP also wanted the POTO to lapse to that the bill could be referred to a select committee of the parliament and discussed thoroughly before enactment. Samajwadi Party (SP) and Rastriya Janata Dal (RJD) representatives felt that the existing laws were sufficient to tackle terrorism and hence there was no need for POTO. SP leader Amar Singh felt that POTO was hardly a tool to deal with diehard terrorists on Suicide Mission. At the all party meeting Nationalist Congress Party (NCP) leader Sharad Pawar raised nine serious objections against the POTO.

The government move to increase the number of organisation banned under POTO has started to be seen as a serious unpropriety as it was made close on the heels of serious reservation expressed by various political parties about the legal validity of the ordinance. On December 11 the government's attempt to introduce a partly deluded bill to replace POTO was stalled in the Lok Sabha wrangles to procedure all wrangles. With barely a week to go for the conclusion of winter session, time really man out for the government. The re-promulgation of POTO was an alternative that the government considered seriously however fraught with numerous legal flaws.

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PAKISTAN

The future of polls

ZAGLUL AHMED CHOWDHURY

PAKISTAN'S President General Pervez Musharraf has recently said that elections would duly be held in the country in October, this year. His remarks at a function in Islamabad in the presence of United Nations Secretary General Kofi Annan about the much-awaited national polls is significant because an impression is gaining ground in some quarters that the fate of elections may be uncertain in view of explosive situation with neighbouring India.

Although polls are scheduled only late this year, the war-like situation with the arch-rival may force Pakistan to re-schedule the poll plans and may give a pretext to the military ruler for delaying the process. But his announcement has set at rest at least for the time-being that the polls would be held in October. Gen. Musharraf said plans are moving accordingly and necessary measures are being taken in that direction.

Indeed, his comments are in line with the promise to give the nation back democratic practice. True, the army ruler is going by the supreme court judgement that national polls must be held in the country within three years of taking over power by the armed forces in October, 1999. But this verdict can possibly still be changed on the polls issue citing extra-ordinary situation of national interest centring tensions with India. The government may go to the supreme court itself for reviewing its earlier judgement in the context of the "Indian hostilities".

It appears that the country is moving towards the scheduled elections even though many issues related to the polls like whether the major political forces will take part in the polls and what would be the position of the Gen. Musharraf in the entire scenario are not clear. It may take some time for answers to such questions along with several other pertinent matters.

Military ruler had earlier said that he would not allow political rallies in the country till the new elections are held by October, next year.

This he said when several months ago the alliance for restoration of democracy (ARD) organised political demonstrations across the country demanding early elections and the

authorities took into custody many opposition leaders and workers, most of whom were later released.

The ARD is made up by several parties including two important organisations - Muslim League of former prime minister and now exiled in Saudi Arabia Nawaz Sharif and Peoples Party of another ex-premier Benazir Bhutto, who also lives abroad. The ARD is calling for polls earlier than the regime is planning. The supreme court of the country, within months after Gen. Musharraf seized power in a coup on October 12, 1999, in a landmark verdict ruled that the armed forces which are now in power must organise fresh elections by October, 2002 so that the nation reverts to an elected government. However, the supreme court in the same ruling validated the taking over of power by the military. The politicians were dismayed by this part of the judgement of the highest court but were gleeful as a timeframe was fixed for the new regime to restore democracy.

In the past, army rulers prolonged their rule on various pretexts and never showed signs to relinquish power voluntarily. Late Gen. Ziaul Huq, who staged a coup in 1977, remained at the helm for 11 years till he died in a mysterious plane crash. Present ruler Gen. Musharraf has said time and again that he would abide the verdict of the apex court and elections would be held within that timeframe. But current tensions with India have put a question mark in the fate of polls, which, however, has been set at right track by the comment of the president.

It appears that Gen. Musharraf is still grappling with different issues relating to the coming polls. Certainly he is chalking out a course for himself to be in the helm for several years to come regardless of the outcome of the elections. He has expressed willingness to remain as president for five years. This, he insists, he needs to complete the phase of "real democracy" that Pakistan requires. He is the chief of the army and assumed the presidency just before undertaking a trip to India for a summit with Prime Minister Atal Bihari Vajpayee in Agra.

He is taking step one by one that obviously suits his scheme of things while seeking to give the impression that he remains committed to national elections by the scheduled time. Presidency is a ceremonial position in Pakistan. Immediate past

president Justice Rafiq Tarar was a nominee of deposed premier Nawaz Sharif but supported the military at later stage. He was removed in a haste evidently for the reason that the army ruler wanted to upgrade his status before his India visit.

Interestingly, Musharraf did not impose martial law like most of did in the past. He had also retained the parliament and provincial legislatures which were scrapped only much later. He took time for any settlement with political parties or factions of the political forces but dissolved the parliament and assemblies after the efforts failed.

The Afghan situation and the subsequent belligerent situation with India has largely changed the political scene in Pakistan. Now that a picture is emerging with the military sticking to elections schedule even in the midst of nosediving of ties with India. Gen. Musharraf is definitely weighing the prospects of two main political parties - PPP and the Muslim League whether they should take part in the polls. With Nawaz exiled in Saudi Arabia with the approval of the regime and little likelihood of his return to the country in the next several years and Benazir being abroad on self-exile fearing arrest on return to Pakistan, the political milieu in Pakistan lacks steam and bite. This makes the military somewhat trouble-free.

The relations with India also puts the military ruler in a better position internally since many in the country would like to see Musharraf remain firm in the domestic scene under the lurking dangers of external aggression. Needless to say, these tensions are unlikely to subside markedly in the near future and this condition may help the military to maintain his ascendancy. Besides, there is no denying that he has succeeded in creating an image for himself by adroitly tackling some of domestic and external issues.

It is however heartening to watch that Gen. Musharraf speaks about returning democracy within the specified time even though the form of democracy that he is talking is not clear and the road to it seems still bumpy.

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LYN OCKERSZ

THE guns which have fallen silent in Sri Lanka, while being symbolic of the new UNF Government's peaceful intentions, are also proof of a radical reversal of State policy on the country's ethnic conflict: Peace by peaceful means takes the place of the tried-and-failed, peace through war policy.

The challenge facing the parties to the Lankan conflict at present is to transform this welcome respite from war into a permanent peace. Much will depend on how this ceasefire will be used. If the opportunity which has opened for dialogue and discourse among the adversaries to the conflict is fully exploited the foundation could be laid for a peaceful resolution of the conflict.

The use of dialogue and the provision of opportunities for the close interaction of adversaries so as to build understanding and steady rapport between them are, essentially, democratic approaches to conflict resolution. The space which has been thus created for exercising non-military means of conflict-settlement, ensures, among other things the gradual integration of one-time violent dissenters and rebel groups into mainstream politics. It integrates these organisations which have been operating outside the pale of the democratic system, into its very structures or policy making bodies, making violent rebellion unnecessary. This, we hope, will be the case with Sri Lanka.

Meanwhile, India, which is no

stranger to these peaceful approaches to conflict resolution, has seen some significant developments on the Kashmir issue. Recent reports said that three Kashmir rebel leaders had arrived in New Delhi with the aim of establishing contact with the Indian central government. This attempt was reportedly aborted by an Indian intelligence agency which was in too great a hurry to crackdown on Kashmiri militant organisations. Strong arm tactics were apparently favoured over the more painstaking, long-term peaceful options and the Kashmiri rebels were compelled to call off their plans.

Reports indicated that while the three rebel leaders were in New Delhi, some of their followers and 'lieutenants' were rounded-up by security agencies in Kashmir, thus distracting the three men from their course. The three leaders were, Syed Ali Shah Geelani, regarded as a hardliner, Abdul Gani Sone and Yaseen Malik, described as moderates.

The reports made the significant observation that these rebel leaders were planning to contest the state legislature election in Kashmir later this year. In other words, they will give the democratic process a try.

Substantive policy changes of this kind by militant, rebel organisations must be encouraged by governments of this region if long-running separatist and anti-systemic conflicts are to be contained. The possibility of meeting their political aspirations within a democratic framework will not only integrate these rebel organisations

into the wider society but also give them a share of power.

Meanwhile, a well known Gandhian in India Nirmaala Deshpande, was quoted saying recently that 'guns cannot silence the aspirations of the Kashmiri people', who are living in the midst of 'human problems' for over 10 years. "Bridges of understanding should be built to bring the people of Kashmir to the national mainstream," she said. Needless to say, this wisdom is applicable to other states of South Asia which are rocked by separatist conflicts.

Besides separatist and anti-systemic organisations, the principle of democratic integration could be used effectively in the case of other marginalised groups too such as the poorest of the poor and backward castes, to ensure social cohesion. The real intentions of the Congress Party in India are not clear, but by including members in substantial numbers from ethnic and religious minorities and backward groups, in their list of candidates for the upcoming Uttar Pradesh state poll, Indias main opposition party could be laying the basis for the closer integration of these communities into the larger society.

For instance, the Congress list of candidates included, besides 64 Brahmins, 49 Moslems, 25 women and a liberal sprinkling of members of backward groups. Hopefully, such practices will be replicated elsewhere in this region.

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